



# HOUSE OF REPRESENTATIVES

HB 2099

developmental disabilities; terminology; settings

Prime Sponsor: Representative Allen J, LD 15

---

**DP** Committee on Child and Family Affairs

**DPA** Caucus and COW

**X** As Transmitted to the Governor

---

## **OVERVIEW**

HB 2099 makes adjustments to the statutes for a person with a developmental disability and codifies the provisions for the certification of a child developmental certified home.

## **PROVISIONS**

1. Requires a regular foster home to apply for certification as a child developmental certified home if either of the following apply:
  - a. The Department of Child Safety (DCS) has placed a foster child with a developmental disability in the foster home.
  - b. A foster child in the foster home has been determined by the Arizona Department of Economic Security (ADES) to have a developmental disability.
2. States the provisions noted above do not apply to a regular foster home or group foster home with a foster child with a developmental disability who was placed in the home before the effective date of this amendment. Any such placements must continue to be licensed, certified and monitored by both DCS and ADES.
3. Changes the chapter heading for Title 36, Chapter 5.1 from the *State Department for Developmental Disabilities* to *Developmental Disabilities*.
4. Allows ADES to certify as a child developmental certified home a regular foster home that is licensed by DCS to care for specific foster children with developmental disabilities.
5. States a regular foster home that is applying to be a child developmental certified foster home must meet outlined requirements. The child developmental certification terminates when all children with developmental disabilities leave the home or are adopted by the foster parents.
6. Requires DCS to restrict the regular foster home license and ADES must restrict certification to the specific children in the home at the time of certification consistent with the following:
  - a. DCS may not place any additional foster children in the home after recertification unless ADES recertifies the home for the new placement.
  - b. Stipulates that if ADES recertifies the home for the additional foster child placement, DCS must amend the restrictions on the regular foster home license and ADES must amend the restrictions on the certification to include the new placement.
7. Specifies that the maximum number of foster children who may be placed in a child developmental certified home at any one time may not exceed five foster children, not more than three of whom have developmental disabilities.

8. Requires a regular foster home that is certified as a child developmental certified home to comply with the training, life safety and monitoring requirements specified by ADES.
9. Mandates DCS and ADES to coordinate and share all of the following information regarding each child developmental certified home:
  - a. Monitoring information.
  - b. Unusual incident reports.
  - c. DCS information, investigations and reports.
  - d. Licensing information.
  - e. Changes in household composition and foster child placements.
  - f. Any other information necessary for DCS and ADES to coordinate the licensure and certification of the child developmental certified home.
10. Stipulates that ADES conduct an initial and subsequent life safety inspection and monitor the child developmental certified home for compliance with the certification requirements. The results of ADES' life safety inspection must satisfy the life safety inspection requirements of the DCS foster home license.
11. Specifies that DCS must continue to monitor the child developmental certified home for compliance with regular foster home requirements.
12. Provides that DCS must pay for the cost of care of a foster child, except for a child eligible for the Arizona Long Term Care Program (ALTCS). ADES must pay the cost of care for a child enrolled in the ALTCS program.
13. States in determining whether to grant a certification, ADES must consider all of the following:
  - a. The number of household members, including the foster parent's natural and adopted children.
  - b. Any special needs or developmental disabilities of household members.
  - c. Any other consideration determined by ADES in rule that may impact a foster parent's ability to provide care for a child with a developmental disability.
14. Permits a foster home that does not meet the requirements for recertification as a child developmental certified home to remain licensed as a regular foster home and continue to serve a foster child with a developmental disability who is already placed in the home if DCS determines it is in the best interests of the foster child.
15. Authorizes a certification for one year and subjects the renewal to the anniversary date of the regular foster home license.
16. States a decision by ADES to deny certification of a regular foster home for a specific foster child is not appealable.
17. Allows ADES to suspend or revoke a certification for any one or a combination of reasons outlined in statute.
18. Provides a decision of DCS to deny, suspend or revoke the underlying regular foster home license of a child developmental certified home is appealable. A denial, suspension or revocation of the regular foster home license is a denial, suspension or revocation of the certification.
19. Repeals A.R.S. § 36-595.03 (secure facilities; annual review; definition).

## **HB 2099**

20. Modifies the definitions of *child development foster home*, *community residential setting* and *group home*
21. Defines *child developmental certified home*, *foster child*, *foster home*, *foster parent* and *regular foster home*.
22. Clarifies that a *health care institution* does not include a *community residential setting*.
23. Specifies for purposes related to this act, ADES and DCS are exempt from the rule making requirements for 18 months after the effective date. ADES and DCS must jointly solicit public comment on the proposed rules.
24. Makes technical and conforming changes.

### **CURRENT LAW**

Contained within Title 36, Chapter 5.1 is the laws which pertain to a person with a developmental disability. Outlined are the statutes related to administration and regulation, licensing and monitoring of community residential settings, the third party liability program and family support for individuals with a developmental disability.